

HOUSE BILL 2365
By Turner (Ham)

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, relative to the disclosure of treatment for Alzheimer's disease.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, is amended by adding Sections 2 through 7 as a new appropriately designated part.

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Alzheimer's disease" or "Alzheimer's related dementia" means a progressive, degenerative disease or condition that attacks the brain and results in impaired memory, thinking, and behavior; and

(2) "Department" means the department of health.

SECTION 3. For the purposes of this act, "care", "treatment" and "therapeutic activities" shall not include the sole activity of marketing, selling, manufacturing, or dispensing medication which is approved by the United States Food and Drug Administration and prescribed by a person licensed to practice medicine in accordance with Tennessee Code Annotated, Section 63-6-204, and informational or support services related to the use of such medication.

SECTION 4. (a) This act shall not apply to an individual licensed to practice medicine under the provisions of Tennessee Code Annotated, Section 63-6-204, and any person employed by such an individual, provided that any health facility engaged in the treatment of the elderly as defined by Tennessee Code Annotated, Section 68-11-201, shall be subject to the provisions of this act.

(b) To the extent that a hospital or subsidiary thereof holds itself out as providing care, treatment, or therapeutic activities for persons with Alzheimer's disease or Alzheimer's related dementia as part of a specialty unit, such hospital or subsidiary shall be subject to the provisions of this act.

SECTION 5. (a) Any entity, facility, program, or any instrumentality of the state or political subdivision of the state which advertises, markets, or offers to provide specialized care, treatment, or therapeutic activities for one (1) or more persons with a probable diagnosis of Alzheimer's disease or Alzheimer's related dementia shall disclose the form of care, treatment, or therapeutic activities provided beyond that care, treatment, or therapeutic activities provided to persons who do not have a probable diagnosis of Alzheimer's disease or Alzheimer's related dementia.

(b) The disclosure shall be made in writing on the disclosure form required by subsection (c) of this section and provided to any person seeking information concerning placement in or care, treatment, or therapeutic activities from an entity, facility, program, or the instrumentality of the state or of a political subdivision of the state.

(c) With input from persons and organizations with experience or expertise regarding care, treatment, or therapeutic activities for persons who have Alzheimer's disease or Alzheimer's related dementia, the department shall develop a standard disclosure form. The disclosure shall be made on such form. The entity, facility, program, or the instrumentality of the state or a political subdivision of the state shall revise the disclosure form whenever significant changes are made.

SECTION 6. The disclosure required by Section 5 of this act shall explain the specialized care, treatment, or therapeutic activities provided to patients, residents, or participants with Alzheimer's disease or Alzheimer's related dementia as follows:

(1) The overall philosophy and mission of the entity, facility, program, or of the instrumentality of the state or of a political subdivision of the state which reflects the needs of patients or residents with Alzheimer's disease or Alzheimer's related dementia;

(2) The processes for accepting patients, residents, or participants into the entity, facility, program, or into the instrumentality of the state or of a political subdivision of the state; for discharging patients, residents, or participants from the entity, facility, program, or from the instrumentality of the state or of a political subdivision of the state; and for handling emergency situations;

(3) The processes used for defining the programs of services of that entity, facility, program, or of that instrumentality of the state or of a political subdivision of the state, including the method by which the program of services responds to changes in the patient's, resident's, or participant's needs;

(4) Staffing, staff training, and continuing education practices;

(5) Description of the physical environment including safety and security features;

(6) The frequency and types of activities for patients, residents, or participants;

(7) The involvement of the entity, facility, program, or of the instrumentality of the state or of a political subdivision of the state with families and family support programs;
and

(8) The charge structure of the specialized care, treatment, or therapeutic activities, including any additional fees.

SECTION 7. (a)(1) The department may examine the disclosure form required by this article to verify its accuracy. If determined to be inaccurate, the department shall require the entity, facility, program, or the instrumentality of the state or of a political subdivision to:

(A) Provide the specialized care, treatment, or therapeutic activities listed on the disclosure form; or

(B) Modify the disclosure form to reflect the specialized care, treatment, or therapeutic activities actually being offered.

(2) The entity, facility, program, or the instrumentality of the state or of a political subdivision of the state shall make the decision of which alternative to pursue. Action by the department in pursuit of this subsection shall not affect the licensing process for any

entity, facility, program, or the instrumentality of the state or of a political subdivision of the state.

(b) For the purpose of the review and verification referred to in subsection (a) of this section, the disclosure form being provided to the public at the time of the review and verification shall be used.

(c) Failure to provide the disclosure required by this act is a Class B misdemeanor, punishable only by a fine of five hundred dollars (\$500).

SECTION 8. For the purpose of developing the disclosure forms required by this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 1997, the public welfare requiring it.

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